

ORDINANCE NO.: 76-2021

SPONSORED BY:

CO-SPONSORED BY:

MAYOR MATTHEW A. BURKE

COUNCILPERSON MICHAEL NENADOVICH

EMERGENCY

BLAKE

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AN ORDINANCE CREATING CHAPTER 777, MOBILE FOOD SERVICE OPERATIONS, OF THE CODIFIED ORDINANCES OF THE CITY OF GARFIELD HEIGHTS

WHEREAS, At this time, the City of Garfield Heights wishes to permit mobile food service operations within the City, and

WHEREAS, accordingly, the City wishes to pass legislation to regulate this operation.

NOW, THEREFORE, BE IT ORDAINED by this Council of the City of Garfield Heights, Ohio that:

SECTION 1. Chapter 777 of the Codified Ordinances of the City of Garfield Heights, Ohio, shall read as follows:

CHAPTER 777 **Mobile Food Service Operations**

777.01 Definitions.

777.02 Mobile Food Service Operation Permit

777.03 General Regulations

777.04 Special Events

777.99 Penalty

777.01 Definitions

(a) "Mobile" Food Service Operation means a food service operation that is conducted from a movable vehicle whether self-powered or towed or a portable structure and is required to be licensed under the Ohio Revised Code. This includes businesses such as Mobile Catering, Food Trucks, and Farmer's-type markets.

(b) "Food" As used in this Chapter, means a raw, cooked, prepared, or processed edible substance, ice, beverage, or ingredient used or intended to for use or for sale in whole or part for human consumption.

(c) "Food Service Operation License" means an official document issued by authority from a jurisdiction's Health Department to license food service operations.

(d) "Mobile Food Service Operation Permit" shall mean the permit issued by the City of Garfield Heights pursuant to the Codified Ordinances.

(e) "Food Service Operator" means an Individual, Partnership, Company, or Corporation engaged in the vending of food as defined in this chapter.

777.02 Mobile Food Service Operation Permit.

(a) No person shall cause a Mobile Food Service Operation to operate in the City unless the operator has received a Mobile Food Service Operation Permit from City.

(b) A proposed operator shall obtain a vendor's license per Chapter 707. They shall submit this license with the application for a Mobile Food Service

Operation Permit application to the Building Commissioner or their designee along with:

1. A copy of the Health Department's Food Service License.
2. A copy of liability insurance for each business vehicle used in the City.
3. Written permission from the property owner(s) where business will be conducted.
4. The permit fee as specified in Chapter 707.

(c) Permits shall expire on December 31 of each year.

777.03 General Regulations

(a) No Food Service Operator shall:

1. Sell food items, display food items, or conduct vending operations to the occupants of vehicles stopped in traffic.
2. Display food items or advertising anywhere in the public Right of Way.
3. Conduct business from the public Right of Way or obstruct safe passage on any roadway or sidewalk.
4. Utilize loudspeakers or other noise-making devices, flashing or blinking lights, or animated displays, or any prohibited signage listed in Chapter 1140 to attract attention to their operation.
5. Leave a vending device unattended or only attended by an individual under 18 years of age.
6. Operate in the same location more than 5 days in a week.
7. Operate more than 12 hours a day in a single location.
8. Operate between the hours of 7 p.m. and 7 a.m.

(b) A Food Service Operator shall:

1. Be constructed to internally provide all required utility connections.
Exception: An electrical connection to a properly installed and maintained outlet by an approved cord and attachment cap.
2. Provide a means to collect trash and refuse generated during operation.
3. Obey any lawful order of a police officer.
4. Comply with all requirements of applicable state and local law, including without limitation, the City's Fire Prevention Code, the State of Ohio Fire Code, and the City's Traffic and Zoning Laws. Exception: Food Service vehicles shall be permitted to operate in U-3 Apartment House - Office Building District and any non-residential zoned districts.
5. Operate at all times in accordance with the Ohio Uniform Food Safety Code.
6. Exercise reasonable care to ensure that operations do not create a health or safety hazard to customers, other users of the streets or sidewalks, or adjacent properties.
7. Remove the food service vehicles and equipment from the property when not in use.
8. Park and store their food service vehicles and equipment in compliance with Chapter 351 Parking Generally when not in use and remain in the City.

777.04 Special Events

- (a) A special event shall be an event held by, promoted by, or benefitting a non-profit, charitable, educational, youth, senior, religious, Veteran, or municipal entity.
- (b) The event shall be properly permitted in compliance with Chapter 518.
- (c) The event shall be limited to duration to three consecutive days.
- (d) The hours of operation shall not begin prior to 9:00 a.m. or extend past 11:00 p.m.
- (e) Special events would include, but not be limited to, races, walks, marathons, festivals, resource fairs, concerts, carnivals, and block parties.
- (f) No more than four (4) special event permits per Individual or Business entity may be obtained in a calendar year.
- (g) A Mobile Food Service Operation Permit shall be obtained. The Vendors License required in Chapter of 777.02(b) shall be waived.

777.99 Penalty

Whoever violates any provision of this Chapter shall be guilty of a second-degree misdemeanor for the first offense. Each subsequent offense shall be guilty of a first-degree misdemeanor. Upon conviction of the third offense their Mobile Food Service Operation Permit shall be permanently revoked.

(ADD EMERGENCY CLAUSE)

SECTION 2. This Ordinance shall be in full force and effect from and after the earliest period allowed by law.

PASSED: Oct. 12, 2021

APPROVED: Matthew A. Bel W. Michael Shum
MAYOR PRESIDENT OF COUNCIL

ATTEST: Dobralski EFFECTIVE DATE: 10-12-21
CLERK OF COUNCIL